

(B) Any person actually or purporting to be established for any voluntary health and welfare, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, fire fighters, or other public safety organizations, or any person employing in any manner a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation and includes each local, county or area division within this state of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

Oxford House is a charitable organization as defined by the Act, and is subject to the Secretary of State's regulatory authority. Therefore, the Secretary of State finds that he has jurisdiction over the subject matter and the parties herein.

## **II. FINDINGS OF FACT**

1. On April 1, 2015, the Charities Division of the Secretary of State's Office ("Division") sent Oxford House a registration letter request to its home office in Silver Spring, Maryland indicating Mississippi law requirements with the Charities Division. The letter was mailed via certified mail, return receipt requested to 1010 Wayne Avenue, Suite 300, Silver Spring, Maryland 20910. Receipt was signed and acknowledged by Oxford House.

2. In response to that letter, on April 13, 2015, the Division received a phone call from Blair Tinkle, the charity's Legal Counsel and former Assistant Attorney General of Illinois, indicating that he understood the registration requirements and that Oxford House would be filing the registration statement to become in compliance with the law.

3. As a result, Oxford House filed the Form CE, Notice of Exemption with the Division. Oxford House indicated that it qualified for the exemption which exempts charities that do not intend to solicit and receive, and do not actually receive contributions in excess of Twenty-Five Thousand Dollars (\$25,000.00) during any twelve month period and the fundraising functions are carried on by persons who are unpaid for such services.

4. On April 23, 2015, the Division reviewed Oxford House's Form CE, Notice of Exemption. The exemption request for Oxford House did not meet the criteria for this exemption. The Division reviewed a copy of a Form 990 which was filed with the Internal Revenue Service by Oxford House. The Form 990 indicated Oxford House had received more

than Four Hundred Thousand Dollars (\$400,000.00) in contributions and grants – an amount that far exceeded the Twenty-Five Thousand Dollars (\$25,000.00) exemption requirement limit.

5. Therefore on April 23, 2015, a member of the Division contacted a representative for Oxford House via phone to inform the charity of the registration requirement, that it did not qualify for the exemption requirement, and that the Division would be returning the exemption request. Oxford House's contact person indicated that it would be filing the registration package.

6. On April 23, 2015, the Division returned Oxford House's exemption request along with a letter explaining that it did not meet the criteria of the exemption requirement.

7. As of May 26, 2015, the Division has not received a charities registration package from Oxford House.

### **III. CONCLUSIONS OF LAW**

8. According to Miss. Code Ann. §79-11-503(1) and (4) (Rev. 2009), every charitable organization which solicits or intends to solicit contributions shall file with the Secretary of State a registration statement and pay a filing fee of Fifty Dollars (\$50.00). Such registration shall be renewed annually. Oxford House is soliciting contributions, but has failed to file a complete registration statement and is, therefore, in violation of this provision.

9. Oxford House has solicited contributions as defined by Miss. Code Ann. § 79-11-501(d) and (j) (Rev. 2009) during the period of non-registration. Oxford House is in violation of the Act and is, therefore, subject to the provision of Miss. Code Ann §79-11-509 (Rev. 2009), including the issuance of a cease and desist order with or without prior hearing, revocation, denial, or suspension of registration, and imposition of an administrative penalty by the Secretary of State.

#### **IV. CEASE AND DESIST**

As provided in Miss. Code Ann. §79-11-509(4) (Rev. 2009), the Secretary of State hereby orders OXFORD HOUSE to immediately **CEASE AND DESIST** soliciting charitable contributions in and from the State of Mississippi as defined by Miss. Code Ann. §79-11-501 (Rev. 2009). This order shall remain in effect until further order of the Secretary of State.

#### **V. NOTICE OF INTENDED ACTIONS**

##### **A. ADMINISTRATIVE PENALTY**

Pursuant to Miss. Code Ann. §79-11-509(4)(c) (Rev. 2009), the Secretary of State can impose up to Twenty-Five Thousand Dollars (\$25,000.00) for each violation of Miss. Code Ann. §79-11-501 (Rev. 2009) through §79-11-529 (Rev. 2009). The Secretary of State hereby imposes an administrative penalty in the amount of One Thousand Dollars (\$ 1,000.00), and any additional costs of collection, including attorney's fees, against Oxford House. The administrative penalty shall be paid to the Secretary of State within thirty (30) days after receipt of this Cease and Desist Order unless a hearing is timely requested by Oxford House.

##### **B. DENY REGISTRATION**

Pursuant to Miss. Code Ann. § 79-11-509(1)(e) (Rev. 2009), the Secretary of State shall deny, suspend, or revoke a registration of a registrant that has violated or failed to comply with any provision of the chapter or rule thereunder. Upon receipt, the Secretary of State will therefore deny the registration of Oxford House.

#### **VI. RIGHT TO ADMINISTRATIVE HEARING**

An administrative hearing may be requested in this matter. Any such request shall be made, in writing, to Tanya G. Webber, Assistant Secretary of State, Charities Division, Post Office Box 136, Jackson, MS 39205, within thirty (30) days from the date of receipt of this Order. If an administrative hearing is requested, written notice of the date, time, and place, will

be given to all parties by certified mail, return receipt requested. Said notice will also designate a Hearing Officer.

#### **VII. PUBLIC INTEREST**

The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code. Ann. §79-11-501, *et seq.* (Rev. 2009).


#### **VIII. RIGHT TO AMEND**

The Secretary of State hereby reserves the right to amend this Cease and Desist Order and Notice of Intended Actions.

SO ISSUED, this the 26<sup>th</sup> day of May, 2015.

C. DELBERT HOSEMANN, Jr.  
Secretary of State  
State of Mississippi

BY:

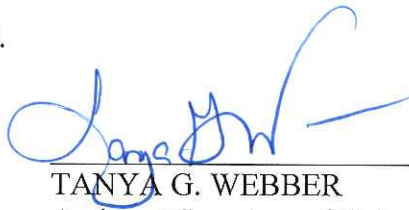
  
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TANYA G. WEBBER  
Assistant Secretary of State  
Charities Division

## CERTIFICATE OF SERVICE

I, Tanya G. Webber, do here by certify, that I have this day, mailed a true and correct copy, via certified mail, return receipt requested, of the Cease and Desist Order and Notice of Intended Actions to the following:

Oxford House, Inc.  
Attention: Paul Molloy, President/CEO  
1010 Wayne Ave., Suite 300  
Silver Spring, Maryland 20910

This the 26<sup>th</sup> day of May, 2015.



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TANYA G. WEBBER  
Assistant Secretary of State  
Charities Division  
Mississippi Secretary of State's Office

Tanya G. Webber, MSB# 99405  
Mississippi Secretary of State's Office  
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